

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ESTATE OF WILLIAM JOEL DIXON, ET AL.

PLAINTIFFS

VERSUS

NO. 1:17CV263-HSO-RPM

GEORGE COUNTY, MISSISSIPPI ET AL.

DEFENDANTS

MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO THE
LIABILITY OF DEFENDANT CARMON SUE BRANNAN

Come now the Plaintiffs, by and through counsel of record, and file their Motion for Partial Summary Judgment as to the Liability of Defendant Carmon Sue Brannan ("Brannan"). For cause, Plaintiffs show the Court as follows:

Based upon the absence of any genuine issues of material fact regarding the liability of the Defendant Brannan to the Plaintiffs, for her failure to provide constitutionally adequate medical attention to the decedent William Joel Dixon, the Plaintiffs are entitled to partial summary judgment as a matter of law pursuant to Fed. R Civ. P. 56(a). In support of this motion the Plaintiffs rely upon their supporting memorandum and the following evidentiary materials:

1. Excerpts from the Deposition of the City of Lucedale, attached hereto as Exhibit "A;"
2. Excerpts from the Deposition of Donna Dixon, attached hereto as Exhibit "B;"
3. Excerpts from the Deposition of George County, attached hereto as Exhibit "C;"

4. Excerpts from the Trial Testimony of Dean Howell, attached hereto as Exhibit "D;"
5. Excerpts from the Trial Testimony of Chaviss Jones, attached hereto as Exhibit "E;"
6. Excerpts from the Trial Testimony of Tammy Bozeman, attached hereto as Exhibit "F;"
7. Excerpts from the Trial Testimony of Dianne Erkhart, attached hereto as Exhibit "G;"
8. Excerpts from the Trial Testimony of Steven Johnson, attached hereto as Exhibit "H;"
9. Indictment in Mississippi v. Brannan, No. 2015-10,129(2), attached hereto as Exhibit "I;"
10. Jury Verdict in Mississippi v. Brannan, No. 2015-10,129(2), attached hereto as Exhibit "J;"
11. Order of Judgment & Sentence in Mississippi v. Brannan, No. 2015-10,129(2), attached hereto as Exhibit "K;"
12. Opinion affirming conviction of the Court of Appeals of Mississippi in Brannan v. Mississippi, No. 2018-KA-01203-COA (Miss. App. Oct. 20, 2020), attached hereto as Exhibit "L;"

13. Decision Letter Court denying rehearing of Court of Appeals of Mississippi in Brannan v. Mississippi, No. 2018-KA-01203-COA (Miss. App. Oct. 20, 2020), attached hereto as Exhibit “M;”

14. Order denying certiorari of the Supreme Court of Mississippi in Brannan v. Mississippi, No. 2018-KA-01203-COA (Miss. App. Oct. 20, 2020), attached hereto as Exhibit “N;”

15. Mandate of the Court of Appeals of Mississippi in Brannan v. Mississippi, No. 2018-KA-01203-COA (Miss. App. Oct. 20, 2020), attached hereto as Exhibit “O;”

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request the Court sustain this motion and enter partial summary judgment against the Defendant Brannan, in her individual capacity, with respect to their Fourteenth Amendment denial of adequate medical attention claim.

Respectfully submitted, this the 16th day of December, 2021.

/s/ Victor Israel Fleitas

JAMES K. WETZEL, ESQ.
MS BAR NO. 7122
GARNER J. WETZEL, ESQ.
MS BAR NO. 103596
VICTOR I. FLEITAS
MS BAR NO. 10259

Wetzel Law Firm
1701 24th Avenue
Gulfport, Mississippi 39501
228.864.6400 / Telephone
228.863.1993 / Facsimile
www.wetzellawfirm.com
jkwetzel@wetzellawfirm.com
gjwetzel@wetzellawfirm.com / E-mail

Victor I. Fleitas, P.A.
452 North Spring Street
Tupelo, Mississippi 38804
662.840.0270 / Telephone
662.840.1047 / Facsimile
fleitasv@bellsouth.net / E-mail

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2021 I electronically filed the foregoing
with the Clerk of the Court using the ECF system which sent notification of such filing
to the following:

Mary Lee Holmes, Esq.
Marcus McLelland, Esq.
Holmes & McLelland
601 East Central Avenue
Petal, Mississippi 39465
marylee@holmeslaw.org
McLelland76@gmail.com

Kristi Rogers Brown, Esq.
Daniel Coker Horton & Bell
1712 15th Street, Suite 400
Gulfport, Mississippi 39501
kbrown@danielcoker.com

William R. Allen, Esq.
Katelyn Riley, Esq.
Allen, Allen, Breeland & Allen
Post Office Box 751
Brookhaven, Mississippi 39602-0751
wallen@aabalegal.com
kriley@aabalegal.com

James K. Wetzel, Esq.
Garner J. Wetzel, Esq.
Wetzel Law Firm
1701 24th Avenue
Gulfport, Mississippi 39501
jkwetzel@wetzellawfirm.com
gjwetzel@wetzellawfirm.com

This the 16th day of December, 2021.

/s/ Victor Israel Fleitas

VICTOR I. FLEITAS